IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2942 OF 2006

Tarun Mitra Mandal. ... Petitioner.

V/s.

The Municipal Corporation of
Greater Mumbai. ... Respondents.

....

Mr. J.J. Shah for the Petitioner.

Mrs. A.R. Joshi for the Respondents.

CORAM : DR. D.Y.CHANDRACHUD,J.

13TH DECEMBER, 2006.

P.C. :

1. The Division Bench of this Court consisting of Hon'ble Shri Justice R.M. Lodha and Hon'ble Shri Justice A.S. Bagga passed an order on 21st June 2006 in a Public Interest Litigation (Janhit Manch and Ors. V/s. State of Maharashtra, P.I.L. W.P.2063 of 2002) directing the Municipal Corporation to take immediate steps for demolition of illegal shrines and unauthorised religious structures existing on roads, lanes, footpaths and public lands as on 21st June 2006. The exercise of demolition of illegal shrines

and unauthorised religious structures on roads, lanes, footpaths and public lands was directed to be completed by 19th July 2006. A notice was accordingly issued to the petitioner by the Municipal Corporation on 11th August 2006 followed by a communication dated 6th October 2006. The Additional Municipal Commissioner has considered the documentary evidence submitted by the Petitioner and has come to the conclusion that the documents do not either reflect the authorisation of the structure or that they pertained to the structure in question.

2. An affidavit in reply has been filed in these proceedings in which the Municipal Corporation has stated that the documents which were submitted by the Petitioner did not pertain to the structure/temple in respect of which a notice was issued but they pertained to some other structures at Jogeshwari. The documents which have been annexed to the Petition have also been dealt with and the Municipal Corporation has pointed out in the affidavit that they pertained to a structure called Dandanbhaiya Chawl which is outside the compound in which the temple is situated and almost 100 meters away. The Municipal Corporation has

duly applied the principles of natural justice. The action taken by the Municipal Corporation is in compliance with the order passed by the Division Bench. The Petitioner has failed to establish the authorization of the structure.

3. The Petition is accordingly dismissed.